

Remarks

Claims 1, 16, 22, 23 and 29 have been amended and claims 17, 24-26 and 31-33 have been canceled. Review and reconsideration in light of the amendments and comments below are respectfully requested.

Claims 1-13 and 16-33 are rejected as defining obvious subject matter over U.S. Pat. No. 1,527,248 to Bowers in view of U.S. Pat. No. 2,486,840 to Harris and further in view of U.S. Pat. No. D482,162 to Bostroem.

Claim 1 has been amended to include the subject matter of claim 17, and claim 17 has been canceled. It is submitted that claim 1 now includes allowable subject matter, and to the extent the rejection of claim 17 would be carried over to claim 1, such rejection is respectfully traversed for the reasons outlined below.

The Bowers reference is directed to a notebook configured to receive an inkwell therein. For example, as shown in Fig. 1, the leaves 13 of the notebook have a series of registered holes forming a pit with an inkwell 15 detachably fitted in the pit. The Office action admits that the Bowers reference does not disclose the elongated opening of claim 17, and then cites to the Harris reference as allegedly disclosing the subject matter. The Office action then concludes that it would have been obvious to one of ordinary skill in the art to utilize the elongate opening of the Harris reference in the Bowers reference to arrive at the claimed invention.

However, it is noted that the Bowers reference is explicitly disclosed to be used with an inkwell. For example, the title of the invention is "Notebook Inkwell." At page 1, lines 17-23, it is noted that it is an object of that invention to provide notebooks having a supply of inks associated therewith. At page 1, lines 23-36, it is disclosed that another object of that invention is to provide a notebook having a series of registering holes forming a pit with an inkwell detachably fit in the pit.

Accordingly, were the elongated opening of the Harris reference to be used in the notebook of the Bowers reference, the resultant long, narrow opening would serve no functionality. In particular, the purpose of the Bowers reference is to receive an inkwell therein, and the extra length added by the opening of the Harris reference would not serve this purpose. In fact, the additional length added to the opening of the Bowers reference could allow the inkwell to freely move about the opening, which would cause spillage of the ink. Instead, the

aligned openings of the Bowers reference appear to relatively closely conform to the inkwell, which would of course prevent excessive movement of the inkwell and spillage of the ink.

Furthermore, it is submitted that even if the Bowers and Harris references were to be combined, the claimed subject matter would not be shown. As noted in Applicant's previous amendment, the Harris reference does not include an opening that is generally spaced apart from the outer perimeter of the stack of sheets. In each of the embodiments of the Harris reference, the opening intersects the outer perimeter of the stack of papers. Thus, if the opening of the Harris reference were to be used on the device of the Bowers reference, the opening would not be generally spaced apart from the outer perimeter and the subject matter of claim 1 would not be shown.

For example, the Bowers reference is directed to an opening configured to receive an inkwell therein. If it is the Office action's position that it would have been obvious to modify the inkwell-receiving opening, it is submitted that one of ordinary skill in the art would not carry out this motivation as it would decrease the utility of the inkwell-receiving opening. In contrast, if it is the Office action's position that it would be obvious to modify the opening of the Bowers reference to receive a writing instrument, it is submitted that one of ordinary skill in the art would utilize the entire teachings of the Harris reference (which discloses an opening for receiving an elongated writing instrument), then the entire teachings of the Harris reference with respect to the opening would be utilized. Thus, it is submitted that claim 1 is patentable over the cited references.

Claims 16, 22 and 23 have been rewritten in independent form, and are believed to be allowable for the same reason as claim 1 discussed above. In addition, it is submitted that claims 16, 22 and 23 provide additional limitations which are not shown in the cited references. For example, claim 16 specifies that the opening is at least about six inches in length. The Office action appears to take the position that this subject matter is shown in the Harris reference. However, no reference to any dimensions could be found in the Harris reference. In addition, at column 1, lines 1-3, the Harris reference notes that the notepad of that reference may be used with memorandum pads or books used for keeping golf scores, bridge scores, shopping lists and the like. Such notebooks could easily have a size that would not permit an opening that is six inches in length.

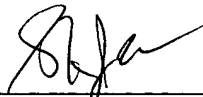
Claim 22 specifies that the opening can receive a writing instrument having a length of at least about six inches. Independent claim 23 specifies that the opening is sized to receive a writing instrument having a length of between about 4 inches and about 7 inches, and having a width of between about $\frac{1}{8}$ inch and about 1 inch. New independent claim 29 specifies that the notebook is configured to retain a writing instrument having a length of at least about 4 inches and having a width of at least about $\frac{1}{8}$ of an inch in the opening. However, none of these dimensions are disclosed in the Bowers or Harris references.

Thus, it is submitted that claims 16, 22, 23 and 29 are allowable.

Accordingly, it is submitted that the application is now in a condition for allowance and a formal notice thereof is respectfully solicited.

The Commissioner is hereby authorized to charge any additional fees required, including the fee for an extension of time, or to credit any overpayment to Deposit Account 20-0809. The applicant hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this application which requires an extension of time as incorporating a request for such an extension.

Respectfully submitted,



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